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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	Magistrate Case No. '08 MJ 0401
Plaintiff,	
v.	COMPLAINT FOR VIOLATION OF:
	Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Jose Rafael GONZALEZ-lopez,	Bringing in Illegal Aliens Without Presentation
Defendant(s)	

The undersigned complainant, being duly sworn, states:

On or about **February 11, 2008** within the Southern District of California, defendant **Jose Rafael GONZALEZ-lopez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Delfino HERNANDEZ-Rojas, Juan HERNANDEZ-Rojas, Genaro ROJAS-Rojas,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[signature]
SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF **FEBRUARY, 2008**

[signature]
Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Rafael GONZALEZ-lopez

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Delfino HERNANDEZ-Rojas, Juan HERNANDEZ-Rojas,** and **Genaro ROJAS-Rojas** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 11, 2008, Senior Patrol Agent R. Garcia and Border Patrol Agent J. Robinette were working in the vicinity of Barrett Junction, California. This area is approximately five miles west of the Tecate, California Port of Entry and approximately three miles north of the International Border between the United States and Mexico. At approximately 7:00 a.m. the infrared night scope operator observed a large group of people walking northbound towards an area known as Harvey Dennison's Ranch. Agent Garcia responded to the area and found 19 individuals. He then identified himself as a Border Patrol Agent and performed an Immigration inspection on all 19. They all stated that they were citizens and nationals of Mexico illegally in the United States. All 19 were placed under arrest.

Agent Garcia noticed a large number of footprints leading north on a different trail.. Agent Garcia followed the footprints for approximately 100 yards and encountered another group of 24 individuals attempting to hide themselves in the brush. Agent Garcia called for assistance; Agent Robinette responded to his location and found an additional three individuals, for a total of 27. Agent Garcia identified himself as a Border Patrol Agent and performed an Immigration inspection on each person. Everyone in the group, including one later identified as the defendant **Jose Rafael GONZALEZ-Lopez,** stated that they had been born in Mexico and that they were citizens of Mexico without any immigration documents to be in or remain legally. The group was arrested at approximately 7:45 a.m. and transported to the Brown Field Station for processing.

DEFENDANT STATEMENT:

GONZALEZ was read his Miranda rights and was willing to answer questions without an attorney present.

Defendant GONZALEZ admitted to being the smuggler for the group he was arrested with. GONZALEZ admitted to working for a smuggling organization based in Tijuana, Baja California, Mexico, headed by a man only known to GONZALEZ by his nickname "El Mudo." GONZALEZ went on to state that he has worked for "El Mudo" for three years and has smuggled approximately 80 groups with some containing illegal immigrants from countries other than Mexico, specifically Chinese nationals.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Delfino HERNANDEZ-Rojas, Juan HERNANDEZ-Rojas,** and **Genaro ROJAS-Rojas** agree in summary that they citizens and nationals of Mexico who illegally entered the United States. Juan HERNANDEZ-Rojas stated he was going to pay $1800.00 to be smuggled into the United States. All the material witnesses were able to identify **Jose Rafael GONZALEZ-Lopez** as the foot guide from a photographic lineup.